

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TREASURE CHEST THEMED VALUE MAIL,  
INC.,

Plaintiff,

-against-

DAVID MORRIS INTERNATIONAL, INC.,

Defendant.

Civil Action No.  
1:17-cv-0001-NRB

ECF Case

**JOINT REPORT OUTLINING DISCOVERY PLAN**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties conferred and jointly submit this report outlining certain positions and agreements with respect to the parties' discovery plan in the above-referenced action.

**1. Defendant's Amended Answer**

**Defendant will file an amended answer by June 28, 2017.**

**2. Initial Disclosures**

The parties agree to exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) by July 1, 2017.

**3. Written Discovery and Document Production**

The parties agree that interrogatories shall be governed by the limits set forth in Fed. R. Civ. P. 33 and Local Rule 33.3, unless such limits are subsequently modified by agreement of the parties or by order of the Court.

The parties also agree that document productions shall be made, so far as practicable, in electronic format (.PDF) with the option to request native, subject to the right of any party to inspect the original hard copies.

At this time, the parties do not anticipate that the discovery of electronically stored information (“ESI”) will present any significant issues in this action. The parties agree that if relevant, discoverable ESI that is responsive to requests for production, is reasonably related to Plaintiff’s claims or Defendant’s defenses, is reasonably accessible, and is maintained in the ordinary course of business, will be produced in .PDF format.

#### **4. Depositions**

The parties agree that each party may notice no more than four (4) deposition days. These limits are based upon currently-available information, and the parties reserve their rights to seek an increase in the number of deposition days depending upon future developments in the action.

The parties also agree to establish in advance a system of numbering deposition exhibits to ensure that unique exhibit numbers, suitable for use at trial and in all motion papers and other submissions to the Court, is employed.

#### **5. Service by E-Mail or Next Day Courier**

The parties agree to effectuate service by e-mail (when practicable) or the electronic case filing (“ECF”) system of all pleadings, motions, and other documents requiring service. When served by email, each party will acknowledge service within 24 hours with an email stating “I confirm receipt.” The subject headings of the emails will contain the deadline for responding, if applicable, to all items attached or included in the email. In addition, if at any time a party wishes to withdraw from email service, that party may do so with or without case after which the parties will serve each other under the methods provided by the Federal Rules of Civil Procedure.

**6. Pretrial Schedule**

<b><u>ACTION</u></b>	<b><u>DUE DATE</u></b>
Commencement of Discovery	Immediately
Completion of Document Production	August 7, 2017
Fact Discovery Cutoff	September 30, 2017
Depositions	On or before August 31, 2017
Motions for Summary Adjudication	October 21, 2017; Oppositions 20 Days Thereafter; Reply Briefs 10 days Thereafter
Joint Pretrial Order	December 15
Trial Date	As Ordered by the Court

Dated: June 23, 2017

Respectfully submitted,

/s Daniel Knox  
Knox Law Group, P.C.  
*Attorneys for Plaintiff*  
One Penn Plaza, Suite 2430  
New York, NY 10119

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on June 23, 2017, I circulated by e-mail a draft Joint Report Outlining Discovery Plan to counsel for all parties. Counsel for the defendant commented on the draft report and proposed certain revisions that are relected in the report being filed herein.

/s Daniel Knox  
DANIEL KNOX